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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DAVID LEE MEEKS,

11 Petitioner,

12 vs.

13 TORRY WILLIAMS, *et al.*,

14 Respondents.
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Case No. 2:15-cv-01427-RFB-GWF

ORDER

16 Petitioner has submitted what he has titled a habeas petition pursuant to 28 U.S.C. § 2254 as
17 well an application to proceed *in forma pauperis* (ECF Nos. 1, 1-1). He subsequently paid the filing
18 fee (*see* ECF No. 2).

19 The court has reviewed the submission pursuant to Rule 4 of the Rules Governing Habeas Cases
20 and finds that this petition must be dismissed with prejudice for failure to state a claim for which habeas
21 relief may be granted. A petitioner in custody pursuant to a state-court judgment may seek habeas relief
22 only on the ground that he or she is in custody in violation of the federal Constitution. 28 U.S.C. §
23 2254(a). Here, while petitioner has titled his document as a § 2254 petition, the relief he seeks is
24 parental custody of his twelve-year-old son. Accordingly, the petition must be dismissed for failure to
25 state a claim for which federal habeas relief may be granted.

26 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF No.
27 1) is **DENIED** as moot.

28 **IT IS FURTHER ORDERED** that the Clerk shall detach and file the petition (ECF No. 1-1).

1 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** with prejudice for failure to
2 state a claim for which federal habeas relief may be granted. This dismissal does not prevent Petitioner
3 from seeking relief for his claim through some means other than a habeas petition.

4 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this
5 case.

6 DATED: November 10, 2015.



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9 **RICHARD F. BOULWARE, II**
10 **United States District Judge**